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Jarnail Singh and others Vs. State of Punjab

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Present : Mr. P.S. Hundal, Advocate for the petitioners.

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Prayer in this petition is, for grant of anticipatory bail to the petitioners in case FIR No.33 dated 15.3.2006, registered under Sections 458,427,326,323,324,148 and 149 IPC at Police Station Bilga, Distt.Jalandhar.

Counsel for the petitioners contends that Crl.Misc.No.24906-M of 2006 was filed, praying for grant of anticipatory bail under Sections 458,427,323,324,148 and 149 IPC. During the pendency of the aforementioned petition, the police added Section 326 IPC. The petitioner and his counsel, inadvertently omitted to suitably amend the petition or to bring the aforementioned fact to the notice of this Court. The interim bail granted in the aforementioned Crl.Misc.No.24906-M of 2006 was made absolute, but as Section 326 IPC was not referred to in the title and the prayer clause of that petition, the petitioner is now sought to be arrested by the police. It is prayed that in view of the aforementioned fact, the petitioner be admitted to the concession of anticipatory bail.

I have heard learned counsel for the petitioner and perused the record of Crl.Misc.No.24906-M of 2006.

The prayer clause of Crl.Misc.No.24906-M of 2006 does not refer to Section 326 IPC. Contention of counsel for the petitioners that

Section 326 IPC was added later, i.e. during the pendency of the aforementioned petition is factually incorrect. Prior to the filing of the aforementioned Crl.Misc.Petition, the petitioners filed a petition, for grant of anticipatory bail before the Additional Sessions Judge, Jalandhar, which was dismissed. A perusal of the aforementioned order, placed on the record of Crl.Misc.No.24906-M of 2006, reveals that Section 326 IPC had been invoked by the police before the petitioners approached the Additional Sessions Judge, Jalandhar, and this Court for grant of anticipatory bail. It is, thus, apparent that Section 326 IPC was intentionally omitted from the title and the prayer clause, so as to put forth a plea before this Court, that the petitioners, apprehended arrest for minor offences. The omission was, thus, intentional and not inadvertent.

In view of the aforementioned facts, no ground to grant anticipatory bail to the petitioners. Dismissed.

7.11.2006
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(RAJIVE BHALLA)
JUDGE